

APR 14 2006

Appl. No. 09/827,252
Response to Office Action dated March 22, 2006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: J. Charles Taylor et al.
SERIAL NO.: 09/827,252 GROUP ART UNIT: 3731
FILED: April 5, 2001 EXAMINER: Ho, (Jackie) Tan-Uyen
FOR: ORTHOPAEDIC FIXATION PLATE

ATTORNEY DOCKET NO.: 39262/256238

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER
(Re: U.S. Patent No. 5,702,389)

SMITH & NEPHEW ("the Assignee"), a corporation having a place of business at 1450 Brooks Rd., Memphis, TN 38116, is the assignee of the entire right and interest of the above-identified application by virtue of and as evidenced by Assignments recorded in the U.S. Patent and Trademark Office commencing at Reel 9595, Frame 0843.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,702,389 ("Prior Patent"). The Assignee hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to the Prior Patent shall be the same as the legal title to any patent issuing from the above-identified application, this agreement to run with any patent

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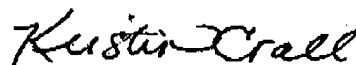
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granted on the above-identified application and to be binding on the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the Prior Patent in the event that it expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

Enclosed is a credit card authorization form for the fee for filing this Terminal Disclaimer. Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



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